DEPARTMENT OF ALCOHOL AND DRUG PROGRAMS

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DATE: April 13, 2004 ACLA Letter No. 04-03

TO: All County Lead Agencies (ACLA)

SUBJECT: SUBSTANCE ABUSE AND CRIME PREVENTION ACT OF 2000

(SACPA) - CHAPTERED LEGISLATION ON "NON-VIOLENT DRUG

POSSESSION OFFENSE" (NOVIDPO)

REFERENCE: Senate Bill 762 (Brulte) – Chapter 155, Statutes of 2003

The purpose of this letter is to advise Lead Agencies on the enactment of changes to Section 1210 of the Penal Code, relating to controlled substances.

SB 762 modified the Act to clarify the meaning of the term "non-violent drug possession offense." Previously, that term had been defined to mean ... "the unlawful possession, use, or transportation for personal use of any controlled substance as identified in.... "This bill clarifies that the term means ... "the unlawful personal use, possession for personal use, or transportation for personal use of any controlled substance identified in.... "The change in the placement of the phrase "personal use" clearly eliminates SACPA eligibility for defendants who possess controlled substances for purposes other than personal use, e.g. for purposes of committing a crime, such as date rape.

The change became effective January 1, 2004.

If you have any questions, please contact your county liaison at (916) 445-7456 or email at sacpa@adp.state.ca.us.

Sincerely,

[Original Signed By]

DEL SAYLES-OWEN
Deputy Director
Office of Criminal Justice Collaboration

